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10/806,427

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Hiroyuki Watanabe

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP

901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER

RIYAMI, ABDULLA A

ART UNIT

PAPER NUMBER

2609

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/806,427

**Applicant(s)**

WATANABE, HIROYUKI

**Examiner**

Abdullah Riyami

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :03/23/2004,08/02/2005,11/15/2005,04/18/2006,05/22/2006,06/25/2007.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 and 3-4 are objected to under 37 CFR 1.75 because of the following informalities:

In claim 1, line 8, it is suggested to add a --comma-- after "apparatus".

In claim 3, line 2, the occurrence of "the means for memorizing and managing the finding frequency" seems to refer back to "means for memorizing and managing a finding frequency" as recited in claim 2, lines 1-2. If this is true, it is suggested to change "claim 1" to --claim 2--.

In claim 4, line 14, it is suggested to change "s" to --is--. Also in line 15, the occurrence of "a finding frequency" seems to refer to "the finding frequency" as recited in line 10. If this is true, it is suggested to change "a finding frequency" to --the finding frequency--.

Claims 2 and 5-8 are objected to because they are dependent on claim 1, respectively.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

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In claim 9, line 1, the "computer program" is directed to non-statutory subject matter because it is not a useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof. Similar problem exists in lines 2 and 4, (claim 10, line 1), (claim 11, line 1), and (claim 12, line 1). See MPEP 2106.IV.B.1 (a).

It is suggested to change "a computer program" or "program" to --a computer readable medium encoded with instructions capable of being executed by a computer for a network connectable device via a wireless relay apparatus comprising--.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Phillips et al. (5745481).

In claim 1, Phillips et al. discloses an information processing device (see figure 16, block 400 and column 11, lines 58-67) having a communication function of performing a network connection via a wireless relay apparatus (see abstract, coverage areas) comprising: means for finding (see figure 15 and column 10, lines 59-67 and column 11, lines 1-5) the wireless relay apparatus (see figure 7);

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and means for displaying information (see figure 16, blocks 436 and 434), which is characterized according to identification information (see column 5, lines 30-39) of the wireless relay apparatus when the means for finding the wireless relay apparatus finds the wireless relay apparatus.

In claim 2, Phillips et al. discloses an information processing device (see figure 16, block 400 and column 11, lines 58-67) having a communication function of performing a network connection via a wireless relay apparatus (see abstract, coverage areas) further comprising, means for memorizing and managing a finding frequency (see scan list, column 11, lines 37-57) of the wireless relay apparatus found by the means for finding the wireless relay apparatus, wherein the means for displaying the information displays information (see figure 16, blocks 436 and 434) according to the finding frequency managed by the means for memorizing and managing the finding frequency (see scan list, column 11, lines 37-57).

In claim 3, Phillips et al. discloses an information processing device (see figure 16, block 400 and column 11, lines 58-67) having a communication function of performing a network connection via a wireless relay apparatus (see abstract, coverage areas), wherein the means for memorizing and managing the finding frequency (see scan list, column 11, lines 37-57) has means for associating each identification information (see column 7) of the wireless relay apparatuses (see scan list, SSID, NID column 11, lines 37-57) which can be found by the means for finding the wireless relay apparatus with information displayed by the means

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for displaying information and managing the identification information and the displayed information.

In claim 5, Phillips et al. discloses an information processing device (see figure 16, block 400 and column 11, lines 58-67) having a communication function of performing a network connection via a wireless relay apparatus (see abstract, coverage areas), wherein the means for displaying information acquires service information or advertisement information (see system message, column 7, lines 9-17 and SSID in a predetermined number of frames, column 7, lines 42-46) when using the wireless relay apparatus found by the means for finding the wireless relay apparatus based on information associated with the wireless relay apparatus which is found by the means for finding the wireless relay apparatus managed by the means for memorizing and managing a finding frequency when the means for finding the wireless relay apparatus finds the wireless relay apparatus, and displays the acquired corresponding information (see figure 16, blocks 436 and 434).

In claim 6, Phillips et al. discloses an information processing device (see figure 16, block 400 and column 11, lines 58-67) having a communication function of performing a network connection via a wireless relay apparatus (see abstract, coverage areas), wherein the means for displaying information judges (see match, column 8, lines 36-49 and highest priority, column 11, lines 36-57) a condition associated with the wireless relay apparatus (see match, column 8,

lines 36 –49) found by the means for finding the wireless relay apparatus managed by the means for memorizing and managing a finding frequency when the means for finding the wireless relay apparatus finds the wireless relay apparatus, and reflects the corresponding judgment contents (see match, column 8, lines 36 –49 and highest priority, column 11, lines 36-57) in the display information or the display form (see figure 16, blocks 436 and 434).

In claim 7, Phillips et al. discloses an information processing device (see figure 16, block 400 and column 11, lines 58-67) having a communication function of performing a network connection via a wireless relay apparatus (see abstract, coverage areas), wherein the means for displaying information displays selectable information (select channel for coverage area, column 10, lines 26-42) (see column 8, lines 36 –49 and column 11, lines 36-57 and column 10, lines 26-42) characterized according to identification information on the found wireless relay apparatus, and sets connected environment (select channel for coverage area, column 10, lines 26-42) using the wireless relay apparatus found by the means for finding the wireless relay apparatus when the corresponding information is selected (see column 8, lines 36 –49 and column 11, lines 36-57, and column 10, lines 26-42).

In claim 8, Phillips et al. discloses an information processing device (see figure 16, block 400 and column 11, lines 58-67) having a communication function of performing a network connection via a wireless relay apparatus (see abstract, coverage areas), wherein the means for displaying information comprises means



for acquiring a database (see column 11, lines 37-57 and column 13, lines 42-65) associating each identification information of the wireless relay apparatuses which can be found by the means for finding the wireless relay apparatus with information displayed by the means for displaying information from an external apparatus which is connected with the network through the means for finding the wireless relay apparatus and the wireless relay apparatus and managing the database (see column 13, lines 42-65).

In claim 9, Phillips et al. discloses a computer readable medium encoded with instructions capable of being executed by a computer (see column 12, lines 4-31) for a network connectable device via a wireless relay apparatus (see abstract, coverage areas), comprising, finding (see figure 15 and column 10, lines 59-67 and column 11, lines 1-5) the wireless relay apparatus (see figure 7); and displaying (see figure 16, blocks 436 and 434) characterized information (see column 11, lines 37-57) according to an identification information (see column 5, lines 30-39) on the found wireless relay apparatus.

In claim 10, Phillips et al. discloses a computer readable medium encoded with instructions capable of being executed by a computer (see column 12, lines 4-31) for a network connectable device via a wireless relay apparatus (see abstract, coverage areas), wherein the displaying (see figure 16, blocks 436 and 434) includes managing each finding frequency of the found wireless relay apparatuses (see scan list, column 11, lines 37-57), and reflecting (see column 11, lines 37-57) the managed finding frequency to the displayed information.

In claim 11, Phillips et al. discloses a computer readable medium encoded with instructions capable of being executed by a computer (see column 12, lines 4-31) for a network connectable device via a wireless relay apparatus (see abstract, coverage areas), wherein the displaying (see figure 16, blocks 436 and 434) includes managing a database (see column 11, lines 37-57) which associates the wireless relay apparatuses each identification information which can be found with display information (see figure 16, blocks 436 and 434), acquiring information associated with the found wireless relay apparatus from the database, and displaying (see figure 16, blocks 436 and 434) the acquired information (see column 11, lines 37-57) (see column 5, lines 30-39) in the display form corresponding to the finding frequency of the found wireless relay apparatus when finding the wireless relay apparatus.

In claim 12, Phillips et al. discloses a computer readable medium encoded with instructions capable of being executed by a computer (see column 12, lines 4-31) for a network connectable device via a wireless relay apparatus (see abstract, coverage areas), wherein the displaying (see figure 16, blocks 436 and 434) information capable of select operation (see channel selecting means, column 12, lines 32-44), characterized according to identification information (see column 5, lines 30-39) on the found wireless relay apparatus, and setting connection environment (select channel for coverage area, column 10, lines 26-42) using the found wireless relay apparatus when the displayed information is selected (see column 8, lines 36-49 and column 11, lines 36-57 and column 10, lines 26-42).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. (5745481) in view of Hillman (US 7054627 B1).

In claim 4, Phillips et al. discloses an information processing device (see figure 16, block 400 and column 11, lines 58-67) having a communication function of performing a network connection via a wireless relay apparatus (see abstract, coverage areas), comprising, the means for displaying information for identification information on the wireless relay apparatus (see figure 16, blocks 436 and 434), which is found by the means for finding the wireless relay apparatus (see figure 15 and column 10, lines 59-67 and column 11, lines 1-5), based on information (see column 5, lines 30-39) associated with the wireless relay apparatus, which is found by the means for finding the wireless relay apparatus managed by the means for memorizing and managing the finding frequency (see scan list, column 11, lines 37-57), when the means for finding the

wireless relay apparatus finds the wireless relay apparatus, and displays messages in a display form corresponding to the finding frequency which is managed by the means for memorizing and managing a finding frequency, but does not expressly disclose that the display information generating a peculiar icon or a character message for identification information on the wireless relay apparatus.

Hillman discloses a display information device (see figure 1, block 116) generating a peculiar icon or a character message (see column 2, lines 50-54 and figure 5) for identification information on the wireless relay apparatus (see column 2, lines 50-54).

Phillips et al. and Hillman are analogous art because they are from the same fields of endeavor of finding wireless access points for providing network connections.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Hillman's display device (see figure 1, block 116) in Phillips et al.'s receiver device (see figure 16, block 434) to generate a peculiar icon or a character message.

The motivation to combine would have been to have a display unit capable of displaying communication information for different access points in a network.

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

	Document Number Country Code-Number-Kind Code	Date MM- YYYY	Name	Classification
A	US-7,042,852 B2	05-2006	Hrastar, Scott	370/310
B	US-5,839,075 A	11-1998	Haartsen et al.	455/450
C	US-7,039,424 B2	05-2006	Gorsuch, Thomas E.	455/456.3
D	US-2003/0235164 A1	12-2003	Rogers et al.	370/331
E	US-2004/0203416 A1	10-2004	Hata et al.	455/067.7
F	US-2005/0170852 A1	08-2005	Li et al.	455/456.5

8. All of the above are recited to show an information-processing device for finding access points.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdullah Riyami whose telephone number is (571) 270-3119. The examiner can normally be reached on Monday through Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on (571) 272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AR

  
DANG T. TON  
SUPERVISORY PATENT EXAMINER